

REMARKS

The Non-Final Rejection (“Office Action”) of June 9, 2008 has been reviewed and carefully considered. Claims 1-28 are currently pending. In view of the following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested.

Rejections under 35 U.S.C. § 102

On page 2, the Office Action rejects claims 1-28 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0069207 to Alexander et al. (hereinafter “Alexander”). Applicants respectfully traverse this rejection. For at least the following reasons, Alexander does not anticipate at least independent claim 1.

Specifically, claim 1 recites:

A prompt object on a computer-readable medium used in creating a report to be executed in a reporting system, wherein the report may specify a prompt object as a property of the report, the *prompt object* comprising:
a question to be asked of a user;
a *prompt type*; and
at least one *validation property*;
wherein the prompt object is used in creating a report to be executed in a reporting system, wherein the report may specify a prompt object as a property of the report, and wherein the prompt object is an object separate from the report such that prompt object may be used more than once in a single report or may be used in more than one report (emphasis added).

Alexander does not disclose at least a “prompt object comprising: ... a prompt type; and at least one validation property,” as expressly recited in claim 1.

On page 3, the Office Action alleges that Alexander teaches these features in paragraphs [0027], [0029], and [0034]. However, in these paragraphs, Alexander discloses nothing more than a survey created by a survey manager. In fact, page 3 of the Office Action improperly equates the survey of Alexander with the claimed prompt object when it states that “survey, which is equivalent to a prompt object, is classified by types such as medical, political, or product preference.” The Office Action further alleges that states that “values assigned to the answers” are allegedly for “validating right answers” to constitute at least one validation property. Office Action at p. 3. Applicants respectfully disagree.

Contrary to the statements made in the Office Action, assigning different types of answers to questions in a survey does not imply that the survey includes a prompt type and a

validation property for a data type of the answer. In fact, Alexander does not even use the terminology “validation,” “data type,” or “prompt type” anywhere in its disclosure. Furthermore, the Office Action alleges that because the prompt object includes a question and that Alexander’s surveys are classified by various types (e.g., “political, medical, or product preference”), the “survey type, thus, is the prompt object type.” Office Action at p. 6. This is clearly an improper assumption because the prompt object, as claimed, comprises both a “question” and a “prompt type.” Under the Office’s logic, the question types is the *same* as the prompt type. This is clearly distinguishable from the claimed invention since the prompt object includes both a prompt type and a question. Fig. 14 of the present application clearly shows prompt types according to an exemplary embodiment.

Hence, it appears that the Office is arguing that Alexander’s survey *inherently* includes a prompt type and information that validates a “data-type” of the answer. Applicants note that:

“To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted).

The cited paragraphs do not, however, disclose that Alexander’s survey necessarily includes a prompt type or a validation property to validate a “data type” of an answer. Rather, paragraphs [0027], [0029], and [0034] merely indicate that a user may: (1) “only select one of the possible answers;” (2) select “a single suggested answer or to enter a more appropriate answer than those suggested;” (3) select “as many suggested answers as appropriate;” or (4) enter a “free text answer [that] does not provide any suggested answers, but allows the user to enter an appropriate answer.” Nowhere does paragraph [0027], [0029], or [0034] of Alexander explicitly or implicitly teach that the survey includes a ***prompt type*** and a ***validation property*** for validating data types of answers. Alexander does not even disclose any component or program validating “data types” of answers, contrary to the assertion made in the Office Action. The Office Action speculates and improperly assumes that Alexander’s survey includes this feature, however, in light of *In re Robertson*, “[i]nherency. . . may not be established by probabilities or possibilities.” *Id.*

Thus, the Office has not shown that Alexander's survey includes a prompt type and a validation property to anticipate the feature of "the prompt object comprising: ... a prompt type; and at least one validation property," as recited in claim 1. Furthermore, dependent claim 2 clarifies that the "at least one validation property comprises verification that the answer provided to the question is of the specified prompt type." Nowhere is this taught or even mentioned in Alexander. Nevertheless, the Office Action improperly cites paragraphs (e.g., [0027], [0029], and [0034]) to assert that Alexander allegedly teaches these features. Therefore, claim 1 is believed to be in condition for allowance and allowance thereof is respectfully requested.

Claims 2-5, which depend from claim 1, also are in condition for allowance due to their dependence on an allowable claim.

Independent claims 6, 14, and 21 are allowable for reasons analogous to those given in support of claim 1. Claims 7-13, 15-20, and 22-28, which respectively depend from claims 6, 14, and 21, also are in condition for allowance due to their dependence on an allowable claim.

Declaration under 37 C.F.R. 1.131

On page 7, the Office Action states that the "declaration under 37 CFR 1.131" filed 10/2/05 remains ineffective to overcome the Alexander reference because "no specific arguments from Applications have been submitted to overcome the rejection." Applicants respectfully disagree.

At this time, however, Applicants preserve the right to challenge this finding and may supplement and/or appeal this finding should a final rejection be issued.

CONCLUSION

Since the cited references, taken either singly or in combination, fail to teach or suggest the combinations set forth in the pending claims, and further fail to provide any motivation or suggestion of the desirability of modifying the structures or methods to arrive at the claimed combinations, Applicants submit that the pending claims are allowable over the cited references. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections, allow the pending claims, and pass the application to issue.

If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

If there are any fees due, including any fees required under 37 C.F.R. §1.116 or §1.117 which are not enclosed herewith, or any fees required for extension of time under 37 C.F.R. §1.136, please charge such fees to our Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

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By: _____


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